

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Suniaga, et al., : CIVIL ACTION
Plaintiffs : NO. 20-2283
v. :
Downington Area School :
District, et al., :
Defendants :
:

**ORDER DENYING IN PART AND GRANTING IN PART DEFENDANTS' MOTIONS
TO DISMISS**

AND NOW, this 2nd day of December, 2020, after considering the School District Defendants' Motion to Dismiss (ECF No. 31) and Rebecca German's Motion to Dismiss (ECF No. 29) and Plaintiffs' responses, and for the reasons stated in the accompanying Memorandum, it is hereby ORDERED as follows:

1. The School District Defendants' Motion to Dismiss (ECF No. 31) will be **GRANTED** with respect to Counts I, II, III, IV, VI, and VIII;
2. The School District Defendants' Motion to Dismiss (ECF No. 31) will be **GRANTED** as to all moving Defendants except Defendant Lawless with respect to Counts VII and X;
3. The School District Defendants' Motion to Dismiss (ECF No. 31) will be **DENIED** with respect to Count IX;
4. The School District Defendants' Motion to Dismiss (ECF No. 31) will be **DENIED** as to all moving Defendants except

Downington Area School District with respect to Counts V and XI;

5. German's Motion to Dismiss (ECF No. 29) will be **GRANTED** with respect to Counts V, VI, and VIII; and

6. German's Motion to Dismiss (ECF No. 29) will be **DENIED** with respect to Counts VII, IX, X, and XI.

It is **FURTHER ORDERED** that Plaintiffs are granted leave to file a Second Amended Complaint as to Counts I, II, IV, VII (with respect to the School District Defendants), VIII (with respect to Rebecca German), and X (with respect to the School District Defendants) by **December 22, 2020**. Given that Counts III, V (with respect to Rebecca German), VI, and VIII (with respect to the School District Defendants) have been withdrawn, these Counts are dismissed and may not be re-asserted without leave of Court.

AND IT IS SO ORDERED.

/s/ Eduardo C. Robreno
EDUARDO C. ROBRENO, J.